

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MICHAEL J. QUILLING,

Plaintiff,

File No. 1:03-CV-236

v.

HON. ROBERT HOLMES BELL

TRADE PARTNERS, INC., et al.,

Defendants.

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**ORDER**

This matter is before the Court on Receiver Bruce S. Kramer's tenth interim motion to allow and pay receiver's fees and expenses and other professional fees and expenses. The Receiver seeks approval and payment of fees and expenses of (1) the Receiver and Borod & Kramer, P.C.; (2) Engineered Management Solutions, LLC; (3) and Echelbarger, Himebaugh, Tamm & Co., P.C., for the period of November 1, 2007, through May 31, 2008. The billing statements for these fees and expenses were previously filed with this Court and served on all attorneys and parties of record. (Dkt. Nos. 1666, 1681, 1686, 1690, 1700, and 1709). No objections have been filed to these statements.

The Court's primary concern in awarding professional fees is that the fees be reasonable. *See Reed v. Rhodes*, 179 F.3d 453, 471 (6th Cir. 1999). In making this reasonableness determination the Sixth Circuit applies the 12-factor test enunciated in *Johnson v. Georgia Highway Express, Inc.*, 488 F.2d 714, 717-19 (5th Cir. 1974), and

adopted by the Supreme Court in *Hensley v. Eckerhart*, 461 U.S. 424, 432 (1983). Upon review of the Receiver's application under the 12-factor test, the Court is satisfied that the fees billed were for services actually and necessarily performed in this litigation; that the expenses billed were actually and necessarily incurred in this litigation; and that the amount of the fees and expenses is reasonable as to the hourly rates charged, the hours expended, and the expenses billed. Accordingly,

**IT IS HEREBY ORDERED** that Receiver Bruce S. Kramer's tenth interim motion to allow and pay receiver's fees and expenses and other professional fees and expenses (Dkt. No. 1726) is **GRANTED**.

**IT IS FURTHER ORDERED** that the Receiver is authorized to pay: Borod and Kramer, P.C. the retained sum of \$15,428.94; Engineered Management Solutions, LLC the retained sum of \$1,716.62; and Echelbarger, Himebaugh, Tamm & Co., P.C. the retained sum of \$18,444.70.

Dated: September 17, 2008

/s/ Robert Holmes Bell  
ROBERT HOLMES BELL  
UNITED STATES DISTRICT JUDGE